IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

1. Bhanwar Lal Vs. State of Rajasthan & Anr.

S.B.CR. MISC. PETITION NO.755/2007

2. Bhanwar Lal Vs. State of Rajasthan & Anr.

S.B.CR. MISC. PETITION NO.630/2007

DATE OF ORDER :: July 17, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.C.S.Kotwani, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

BY THE COURT:

Petitioner Bhanwar Lal has filed these two criminal miscellaneous petitions being S.B.Cr.Misc. Petitions No.755/2007 and 630/2007 seeking quashing of FIR No.92 dt. 14.4.2007 and No. 86 dt. 11.4.2007.

The first FIR No.86 dt. 11.4.2007 is for the offences under sections 307, 342, 143 I.P.C. lodged by Sahi Ram s/o Salu Ram

against Bhanwar Lal and as many as 11 persons alleging therein that the accused named in the FIR came to his house at midnight around 12 `O clock, he heard the knocking of the door; when he came at door, he saw two jeeps opposite his house and on being asked, some persons including the petitioner alighted from the jeep and while they were taking away the complainant in the jeep, the complainant alighted from the jeep and another jeep, which was behind the jeep, from which the complainant alighted, drove over the complainant in order to cause his death.

The other FIR No.92 dt. 14.4.2007 has been lodged by one Mehar Singh s/o Dhana Ram Harijan a member of scheduled caste alleging therein that at about 11.00 in the night of 16.4.2007, while he was in his house with his family members, two Bolero Camper having no number and one vehicle bearing No.RJ-21 G- 1642 came and the occupants of those vehicles, were armed with deadly weapon; they outraged the modesty of the women and insulted them by indicating their caste and, thereafter caused the injuries by inflicting kicks and fists. That FIR has been registered for the offences uner sections 451, 323, 341/147 IPC and section 3(x) of the SC and ST (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner submits that second FIR i.e. FIR No.92 dt. 14.4.2007 and the first FIR No.86 dt. 11.4.2007 are one and same.

On careful perusal of both the FIRs, in my view, both the FIRs were lodged at distinct time, place, for distinct offences and the alleged occurrence is between different persons. On close scrutiny of the FIRs in my view, both the FIRs disclose cognizable offences. In the circumstances, therefore, keeping in view the decision of Hon'ble Supreme Court in State of Haryana & Ors. Vs. Ch. Bhajan Lal & Ors., AIR 1992 Sc 604, no case for quashing of FIRs is made out.

Both the petitions devoid of any merit and the same are, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-